



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 5891-01
6 September 2002

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Naval Reserve, filed enclosure (1) with this Board requesting in effect, that his naval record be corrected to show a more favorable type of discharge than the entry level separation issued on 6 October 2000.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and Cooper, reviewed Petitioner's allegations of error and injustice on 7 August 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted on 20 November 1999 in the advanced pay grade (APG) program of the Naval Reserve.

d. On 17 September 2000 Petitioner was informed that he was outside of the required weight standards and could not attend APG school. On 6 October 2000 he requested to be terminated from the APG program.

e. On 6 October 2000 Petitioner received an entry level separation by reason of performance and conduct.

f. In an advisory opinion of 14 June 2002, the Naval Reserve Personnel Branch, Navy Personnel Command, concludes, in effect, that Petitioner should not have been discharged on 6 October 2000 but transferred to the Individual Ready Reserve (IRR) and recommended for reenlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board agrees with the advisory opinion that Petitioner should not have been discharged but transferred to the IRR and recommended for reaffiliation.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 6 October 2000 but was transferred to the IRR and recommended for reaffiliation on that date.

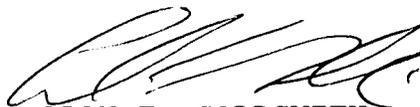
b. That no further relief be granted.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


Fa W. DEAN PFEIFFER
Executive Director